

Blanchard, Deborah

From: D'Louhy, Jacqueline [jacqueline.dlouhy@ci.new-canaan.ct.us]

Sent: Thursday, March 29, 2012 3:06 PM

To: Blanchard, Deborah

Subject: Letter of opposition against bill 5509

March 29, 2012

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Dear Chairman Coleman, Chairman Fox, and distinguished members of the Judiciary Committee:

On behalf of the New Canaan Domestic Violence Partnership, I write to express our deep concern and opposition to Raised Bill 5509, *An Act Concerning the Payment of Alimony and Child Support*. This bill will affect women and children who have suffered from domestic violence in ways that go far beyond economic concerns.

In those cases where domestic violence exists, the restriction of alimony in such an inflexible fashion can serve as an additional control mechanism in the abuser's arsenal. If a victim understands that her ability to leave a violent relationship does not afford her the option of economic independence, it may force her into staying in a relationship that can become increasingly abusive.

Additionally, the proposed bill does not take into consideration any arrangements that were made between the parties during the marriage, such as one partner remaining in the home to care for the children and household. Many victims of domestic violence find themselves in such a situation, as a common control mechanism employed by abusers is the isolation of their partners from family and community to ensure that partner is entirely dependent on them. In these cases, skilled negotiation is required for balanced outcomes. The courts require the flexibility to use their discretion in such cases, and the one size fits all model of Raised Bill 5509 would critically restrict the court's ability to do so.

Further, the allowance for retroactive modifications would work a significant injustice for those recipients of alimony whose judgment was arrived at by agreement. It would require a retrial of cases, and would result in overturning agreements where specific amounts and terms of alimony were bargained for and agreed to, perhaps based on considerations found elsewhere in the agreement having nothing to do with alimony. Victims of domestic violence will be dragged back into courts and forced to open old wounds. An arbitrary formula would be applied to them, and they would have the burden to prove yet again the abuse they suffered.

Lastly, Raised Bill 5509 would allow the payor of child support to set up a trust, the terms of which would be decided by the payor, essentially permitting the payor to second guess and control expenditures made on behalf of the child. In the context of domestic violence, this would give abusers yet another tool to exert coercive control on the victim once she has left the relationship.

4/19/2012

The Judiciary Committee has spent significant time over the past three years carefully considering and enacting statutory reforms with the goal of enhancing the safety of victims of domestic violence and facilitating their ability to leave abusive relationships. Raised Bill 5509 would be a step in opposite direction. For these reasons, we encourage the Judiciary Committee to take no action on Raised Bill 5509.

Respectfully,

Jacqueline D'Louhy, LCSW
New Canaan Domestic Violence Partnership